

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

LAND ACQUISITION – Decretal Charges – Ananthapur District – Uravakonda Mandal – Mylarpalli Village – S.No. 138, Extent 31.40 acres – acquired for foreshore Submersion of PABR Dam – Award.No. 5/87, dt:18.6.1987 – Orders passed by the lower Court in O.P.No. 317/87, Dated:13.8.1999- A.S.No. 682/2000, Dt:17.10.2008 – payment of enhanced compensation – Sanction of Rs. 4,17,784/- Orders- Issued.

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 254

Dated: 05.05.2010

Read the following

- 1) Collector, Ananthpur Rc. No. G2/1888 /2001, Dated:5.12.2009.
- 2) From the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad. CCLA's Lr.No. G4/2120/2009, Dt: 2.03.2010

ORDER:

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad and District Collector, Ananthpur in the references 1st and 2nd read above has submitted decretal proposals in O.P. 317/87, dated: 13.8.1999 for an amount of Rs.4,19,144/- (Rupees Four Lakhs Nineteen thousand One hundred forty four only) for an extent of Ac.31.40(3/12th share) dry land in Sy.No. 138 etc acquired through Award No. 5/87, dated: 18.6.1097 for foreshore submersion of PABR Dam of Mylarpalli village, Uravakonda Mandal, Ananthpur District. The Collector, Ananthpur District has informed that the Lands in S.No. 138, Extent 31.40 Acres (1/12th share) of Mylarpalli village of Uravakonda Mandal of Ananthpur District was acquired for foreshore submersion of PABR in Award No. 5/87, dated: 18.6.1987. The compensation amount of Rs. 1,09,348/- was paid to the awardees. Aggrieved by the market value fixed by the Land Acquisition Officer, the claimants who received the compensation under protest requested the Land Acquisition Officer to refer the matter to Civil court U/S.18 of the L.A. Act. Accordingly the matter was referred to Civil Court and the case was numbered as O.P.No. 317/87, dated: 13.8.1999. After hearing the case the Principle Senior Civil Judge, Ananthpur has passed the following order:

"In the result, that the land value fixed at Rs. 22,000/- the claimant is entitled for 30% Solatium, and additional market value on the enhanced market value between the date of notification and taking possession and the interest at the rate of 9% p.a. from the date of award for one year and at 15% p.a. for the remaining period till the date of deposit".

2. The District Collector, Ananthpur has further submitted that the Special Deputy Collector filed an appeal before the Hon'ble High Court of A.P. Hyderabad against the Lower court judgment, as the enhancement is 214%. The Hon'ble High Court of A.P. Hyderabad while allowing the appeal in part modified the decree of the Trial court as follows.

- 1 The interest rate awarded by the Lower Court from the date of taking possession be and hereby is set aside.
- 2 The interest @ 9% p.a. from the date of notification for a period of one year and thereafter 15% p.a. on the enhancement compensation included Solatium till the date of realization.
- 3 That save as aforesaid decree of the Lower Court shall stand confirmed in all other aspects and dismissed the A.S.No.682/2000 dated: 17.10.2008.

3. The Special Chief Secretary to Government & C.C.L.A.A.P. Hyderabad has further stated that the Government Pleader for Appeals, A.P. High Court has also opined that there is no necessity of preferring an appeal to Hon'ble Supreme Court of India. According to the instructions issued in G.O. Ms.No. 79, I & CAD (PW. LAIV-R&R-1) Dept, Dated: 19.4.2006, the District Collectors/Special Collectors are authorized to take a decision whether to

prefer an appeal or to deposit the decretal charges amount where the enhancement is above 100% but below 150% and the total additional financial involvement is less than Rs. 10.00 lakhs. **In this case the enhancement is 214% which is beyond the purview of DLLMC.** The District Collector, Ananthapur has requested for sanction of an amount of Rs. **4,19,144/- (Rupees Four Lakhs Nineteen thousands One hundred Forty four only)** towards decretal chyarges to the Special Deputy Collector, L.A. H.L.C, Ananthpur to deposit the same in the Civil Court towards the payment of Decretal charges to the claimants as ordered by the Hon'ble High Court in A.S. No. 682/2000 dated: 17.10.2008 against the O.P.No. 317/87 and to avoid further legal complications. The proposal for decretal charges for an amount of Rs. 4,17,784/- is forwarded by the Special Chief Secretary to Government & C.C.L.A. A.P. Hyderabad..

1. After careful examination of the matter, Government hereby accord sanction for an amount of Rs. 4,17,784/- (Rupees Four Lakhs seventeen thousand Seven eighty four only) towards final decretal charges in respect of O.P. Nos. 317/87, dated: 13.8.1999 pertaining to Mylarampalli Village of Uravakonda Mandal, Ananthapur District for the purpose of foreshore submersion of PABR, subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the District Collector, Ananthapur should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, before depositing the amount in the Lower Court.

2. The District Collector, Ananthapur is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid duly deducting the Income Tax as per rules.

6. The expenditure proposed in para (4) above shall be debitale to Head of Account "4701 COLON M & M – Irrigation-(05) – Major Irrigation – Commercial – MH-(06) 104 TBP HLC Stage – II – GH-(07) (11) – Normal state plan – (08) SH (27) C & D – 530 – 532 Lands (Charged).". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

7. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No. 1850/F5(A1)/2010-1, Dated: 24.4.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA

DEPUTY SECRETARY TO GOVERNMENT.

To

The Special Chief Secretary & C.C.L.A. A.P. Hydedrabad

The District Collector, Ananthapur

The Special Deputy Collector, L.A. H.L.C. Ananthapur T.G.P.Nandyal

The Engineer in Chief, I & CAD Department, Erramanzil, Hyderabad

The Revenue Divisional Officer, Ananthapur

The Superintending Engineer, I & CAD, Ananthapur

The Director of Works and Accounts, Hyderabad

Copy to

P.S. to Minister (M & MI)

Law Department/Finance (W&P) Department

C.No. 5995/L.A.II/A2/2010

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//FORWARDED BY ORDER//

SECTION OFFICER